

106-7962

TAC:MTC

(ARDC # 3122259)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANCINE B. WARD and MICHAEL)

A. WARD)

Plaintiffs,)

Case No.: 08 C 148

v.)

TRANSWORLD SYSTEMS, INC.,)

Defendant.)

**DEFENDANT'S MOTION FOR LEAVE TO FILE ITS AMENDED ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant, TRANSWORLD SYSTEMS, INC., by and through its attorneys, Thomas A. Carton of BULLARO & CARTON, P.C., and moves this Honorable Court for leave to file its Amended Answer and Affirmative Defenses to Plaintiff's Complaint. In support of this motion, Defendant states as follows:

1. Plaintiff's complaint was originally filed in the Circuit Court of the 19th Judicial Circuit, Lake County, Illinois in Small Claims Court. Pursuant to Local Rule 7.03 of the 19th Judicial Circuit, Defendant is only permitted to file an Appearance as its responsive pleading contesting the allegations of the Complaint, and is not required to file any other formal responsive pleading.

2. Accordingly, defendant timely filed its written appearance with the Circuit Court Clerk of the 19th Judicial Circuit, Lake County, Illinois on or before the return date of January 8, 2008, in answer to and contesting the allegations of Plaintiff's Complaint, in

compliance with the requirements of Local Rule 7.03.

3. Therefore, Defendant fully answered the complaint in a timely fashion, in accordance with the rules of the Lake County 19th Judicial District, Illinois. Subsequently, Defendant also timely filed its Notice of Removal to Federal Court and provided notice to the parties in accordance with the requirements of 28 U.S.C. § 1446.

4. However, because no affirmative defenses are permitted under the Local Rules in Small Claims Court in the Circuit Court of the 19th Judicial Circuit, Lake County, Illinois, this motion is necessary to allow Defendant leave to file its Amended Answer and Affirmative Defenses in this Federal Court action, attached hereto and incorporated herein as Exhibit A.

WHEREFORE, the Defendant, TRANSWORLD SYSTEMS, INC., respectfully prays for this court to grant it leave to file its Amended Answer and Affirmative Defenses to Plaintiff's Complaint in order to preserve its rights.

Respectfully submitted,

BULLARO & CARTON, P.C.

By s/Thomas A. Carton

Thomas A. Carton

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 18, 2008, a copy of the foregoing was served via U.S. Postal Service from 200 N. LaSalle Street, Chicago, Illinois to: Michael A. Ward and Francine B. Ward, 1423 Northwoods Drive, Deerfield, IL 60015.

By: s/Thomas A. Carton